

Adopted	Rejected
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COMMITTEE REPORT

YES:	9
NO:	1

MR. SPEAKER:

*Your Committee on Public Health, to which was referred Senate Bill 320, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill **be amended** as follows:*

1 Page 14, between lines 10 and 11, begin a new paragraph and insert:
 2 "SECTION 9. IC 25-23.6-11-4 IS ADDED TO THE INDIANA
 3 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
 4 [EFFECTIVE UPON PASSAGE]: **Sec. 4. (a) An individual licensed**
 5 **under this article may not administer or interpret a psychological**
 6 **test as a professional activity unless the individual is competent by**
 7 **education and training to administer or interpret the psychological**
 8 **test. An individual may demonstrate competence by meeting the**
 9 **qualifications established by the developer, publisher, or**
 10 **authorized distributor of the psychological test.**
 11 **(b) An individual who violates this section commits a Class A**
 12 **misdemeanor.**
 13 SECTION 10. IC 25-33-1-1.1 IS AMENDED TO READ AS
 14 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1.1. (a) ~~Except as~~

~~provided in sections 3(g) and 14(c) of this chapter.~~ This article exempts a person who does not profess to be a psychologist and who is:

- (1) a certified marriage and family therapist;
- (2) a certified social worker or a certified clinical social worker;
- (3) a minister, priest, rabbi, or other member of the clergy providing pastoral counseling or other assistance;
- (4) a licensed or certified health care professional;
- (5) a licensed attorney;
- (6) a student, an intern, or a trainee pursuing a course of study in psychology in an accredited institution of higher education or training institution if the psychology activities are performed under qualified supervision and constitute a part of the person's supervised course of study or other level of supervision as determined by the board;
- (7) an employee of or a volunteer for a nonprofit corporation or an organization performing charitable, religious, or educational functions, providing pastoral counseling or other assistance; or
- (8) any other certified or licensed ~~profession.~~ **professional.**

(b) To be exempt under this article, a person described under subsection (a)(1), (a)(2), (a)(4), (a)(5), (a)(6), or (a)(8) must provide services:

- (1) within the person's scope of practice and training; and
- (2) according to any applicable ethical standards of the person's profession.

SECTION 11. IC 25-33-1-3, AS AMENDED BY P.L.1-2006, SECTION 478, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) There is created a board to be known as the "state psychology board". The board shall consist of seven (7) members appointed by the governor. Six (6) of the board members shall be licensed under this article and shall have had at least five (5) years of experience as a professional psychologist prior to their appointment. The seventh member shall be appointed to represent the general public, must be a resident of this state, must never have been credentialed in a mental health profession, and must in no way be associated with the profession of psychology other than as a consumer. All members shall be appointed for a term of three (3) years. All members may serve until their successors are duly appointed and qualified. A vacancy occurring on the board shall be filled by the

governor by appointment. The member so appointed shall serve for the unexpired term of the vacating member. Each member of the board is entitled to the minimum salary per diem provided by IC 4-10-11-2.1(b). Such a member is also entitled to reimbursement for traveling expenses and other expenses actually incurred in connection with the member's duties, as provided in the state travel policies and procedures established by the Indiana department of administration and approved by the state budget agency.

(b) The members of the board shall organize by the election of a chairman and a vice chairman from among its membership. Such officers shall serve for a term of one (1) year. The board shall meet at least once in each calendar year and on such other occasions as it considers necessary and advisable. A meeting of the board may be called by its chairman or by a majority of the members on the board. Four (4) members of the board constitute a quorum. A majority of the quorum may transact business.

(c) The board is empowered to do the following:

(1) Establish reasonable application, examination, and renewal procedures and set fees for licensure under this article. However, no fee collected under this article shall, under any circumstances, be refunded.

(2) Adopt and enforce rules concerning assessment of costs in disciplinary proceedings before the board.

(3) Establish examinations of applicants for licensure under this article and issue, deny, suspend, revoke, and renew licenses.

(4) Subject to IC 25-1-7, investigate and conduct hearings, upon complaint against individuals licensed or not licensed under this article, concerning alleged violation of this article, under procedures conducted in accordance with IC 4-21.5.

(5) Initiate the prosecution and enjoinder of any person violating this article.

(6) Adopt rules which are necessary for the proper performance of its duties, in accordance with IC 4-22-2.

(7) Establish a code of professional conduct.

(d) The board shall adopt rules establishing standards for the competent practice of psychology.

(e) All expenses incurred in the administration of this article shall be paid from the general fund upon appropriation being made in the

1 manner provided by law for the making of such appropriations.

2 (f) The bureau shall do the following:

3 (1) Carry out the administrative functions of the board.

4 (2) Provide necessary personnel to carry out the duties of this
5 article.

6 (3) Receive and account for all fees required under this article.

7 (4) Deposit fees collected with the treasurer of state for deposit in
8 the state general fund.

9 (g) The board shall adopt rules under IC 4-22-2 to establish,
10 maintain, and update a list of restricted psychology tests and
11 instruments (as defined in section 14(b) of this chapter) containing
12 those psychology tests and instruments that, because of their design or
13 complexity, create a danger to the public by being improperly
14 administered and interpreted by an individual other than:

15 (1) a psychologist licensed under IC 25-33-1-5.1;

16 (2) an appropriately trained mental health provider under the
17 direct supervision of a health service provider endorsed under
18 IC 25-33-1-5.1(c);

19 (3) a qualified physician licensed under IC 25-22-5;

20 (4) a school psychologist who holds a valid:

21 (A) license issued by the department of education under
22 IC 20-28-2; or

23 (B) endorsement under IC 20-28-12;
24 practicing within the scope of the school psychologist's license or
25 endorsement; or

26 (5) a minister, priest, rabbi, or other member of the clergy
27 providing pastoral counseling or other assistance.

28 (h) The board shall provide to:

29 (1) the social work certification and marriage and family
30 therapists credentialing board; and

31 (2) any other interested party upon receiving the request of the
32 interested party;

33 a list of the names of tests and instruments proposed for inclusion on
34 the list of restricted psychological tests and instruments under
35 subsection (g) at least sixty (60) days before publishing notice of intent
36 under IC 4-22-2-23 to adopt a rule regarding restricted tests and
37 instruments.

38 (i) The social work certification and marriage and family therapists

credentiaing board and any other interested party that receives the list under subsection (h) may offer written comments or objections regarding a test or instrument proposed for inclusion on the list of restricted tests and instruments within sixty (60) days after receiving the list. If:

(1) the comments or objections provide evidence indicating that a proposed test or instrument does not meet the criteria established for restricted tests and instruments, the board may delete that test from the list of restricted tests; and

(2) the board determines that a proposed test or instrument meets the criteria for restriction after reviewing objections to the test or instrument, the board shall respond in writing to justify its decision to include the proposed test or instrument on the list of restricted tests and instruments.

(j) (g) This section may not be interpreted to prevent a licensed or certified health care professional from practicing within the scope of the health care professional's:

(1) license or certification; and

(2) training or credentials.

SECTION 12. IC 25-33-1-14, AS AMENDED BY P.L.246-2005, SECTION 212, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 14. (a) This section does not apply to an individual who is:

(1) a member of a teaching faculty, at a public or private institution of higher learning for the purpose of teaching, research, or the exchange or dissemination of information and ideas as an assigned duty of the institution;

(2) a commissioned psychology officer in the regular United States armed services;

(3) licensed by the department of education (established by IC 20-19-3-1) as a school psychologist and using the title "school psychologist" or "school psychometrist" as an employee of a school corporation; or

(4) endorsed as an independent practice school psychologist under IC 20-28-12.

(b) As used in this section, "restricted psychology test or instrument" means a measurement instrument or device used for treatment planning, diagnosing, or classifying intelligence, mental and

emotional disorders and disabilities; disorders of personality; or neuropsychological; neurocognitive; or cognitive functioning. The term does not apply to an educational instrument used in a school setting to assess educational progress or an appraisal instrument.

~~(c)~~ **(b)** It is unlawful for an individual to:

(1) claim that the individual is a psychologist; or

(2) use any title which uses the word "psychologist", "clinical psychologist", "Indiana endorsed school psychologist", or "psychometrist", or any variant of these words, such as "psychology", or "psychological", or "psychologic";

unless that individual holds a valid license issued under this article or a valid endorsement issued under IC 20-28-12.

~~(d)~~ **(c)** It is unlawful for any individual, regardless of title, to render, or offer to render, psychological services to individuals, organizations, or to the public, unless the individual holds a valid license issued under this article or a valid endorsement issued under IC 20-28-12 or is exempted under section 1.1 of this chapter.

~~(e)~~ It is unlawful for an individual, other than:

~~(1)~~ a psychologist licensed under IC 25-33-1-5.1;

~~(2)~~ an appropriately trained mental health provider under the direct supervision of a health service provider endorsed under IC 25-33-1-5.1(c);

~~(3)~~ a qualified physician licensed under IC 25-22.5;

~~(4)~~ a school psychologist who holds a valid:

(A) license issued by the department of education under IC 20-28-2; or

(B) endorsement under IC 20-28-12;

who practices within the scope of the school psychologist's license or endorsement; or

~~(5)~~ a minister, priest, rabbi, or other member of the clergy providing pastoral counseling or other assistance;

to administer or interpret a restricted psychology test or instrument as established by the board under section 3(g) of this chapter in the course of rendering psychological services to individuals, organizations, or to the public.

~~(f)~~ **(d)** This section may not be interpreted to prevent a licensed or certified health care professional from practicing within the scope of the health care professional's:

1 (1) license or certification; and

2 (2) training or credentials.

3 SECTION 13. IC 25-23.6-1-1.5 IS REPEALED [EFFECTIVE

4 UPON PASSAGE].".

5 Page 16, after line 2, begin a new paragraph and insert:

6 "SECTION 16. **An emergency is declared for this act.**".

7 Renumber all SECTIONS consecutively.

(Reference is to SB 320 as reprinted February 26, 2007.)

and when so amended that said bill do pass.

Representative Brown C